

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE March 14, 2006		(3) CONTACT/PHONE Kim Murry, Division Manager; (805) 781-5623	
(4) SUBJECT Continued hearing to finalize action to deny an appeal by <b>ALMOND HEIGHTS, LLC / TOM VAUGHAN</b> of the Planning Director's determination concerning application for Merger SUB2004-00362 / M05-155 from Almond Heights, LLC for 13 merged parcels on a 10.6 acre portion of a 30 acre property in the Residential Suburban Land Use Category. The project is located in the county at 120 W. 19 <sup>th</sup> Street adjacent to the city of Paso Robles on the east and south sides of the property in the Paso Robles urban area of the Salinas River Planning Area, APN: 018-141-001. County File Number: <b>SUB2004 -00362 /M05-155</b> . Date application submitted (file has yet to be accepted): May 9, 2005. Supervisorial District 1.					
(5) SUMMARY OF REQUEST The Board of Supervisors took tentative action on December 20, 2005 to deny an appeal by Almond Heights, LLC and uphold the determination of the Director of Planning and Building. The appellant requested recognition by the Board that 13 merged parcels could be recognized rather than accept the staff determination that deed history only supported six (6). The tentative action taken by the Board of Supervisors on December 20, 2005, was to deny the appeal and continue the item to March 14, 2006 to allow the Applicant to work with County staff, the City of Paso Robles, neighbors and further determine the number of legal lots that exist on the property and under what configuration. The hearing on March 14, 2006 is to finalize this action by adoption of a resolution and associated findings.					
(6) RECOMMENDED ACTION Adopt the resolution denying the appeal and affirming the determination of the Director of Planning and Building to recognize six legal parcels for which deed history has been provided and for which the applicant may request merger; and return the remainder of the application to the department for consideration for application of Almond Heights, LLC for Merger M05-155 (SUB2004-00362) based on the findings listed in Exhibit A.					
(7) FUNDING SOURCE(S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <b>1st</b> , 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW	<div style="font-size: 2em; font-family: cursive;">Ok</div> <div style="font-size: 1.5em; font-family: cursive;">Leslie Brown</div> <div style="position: absolute; right: 0; top: 0; font-size: 3em; font-family: cursive; transform: rotate(-15deg);">C-3 (3.14.06)</div>
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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS  
**FROM:** KIM MURRY, DIVISION MANAGER  
**VIA:** VICTOR HOLANDA, DIRECTOR OF PLANNING AND BUILDING  
**DATE:** MARCH 14, 2006

**SUBJECT:** Continued hearing to finalize action to deny an appeal by **ALMOND HEIGHTS, LLC / TOM VAUGHAN** of the Planning Director's determination concerning application for Merger SUB2004-00362 / M05-155 from Almond Heights, LLC for 13 merged parcels on a 10.6 acre portion of a 30 acre property in the Residential Suburban Land Use Category. The project is located in the county at 120 W. 19<sup>th</sup> Street adjacent to the city of Paso Robles on the east and south sides of the property in the Paso Robles urban area of the Salinas River Planning Area, APN: 018-141-001. County File Number: **SUB2004-00362/ M05-155**. Date application submitted (file has yet to be accepted): May 9, 2005. Supervisorial District #1.

**RECOMMENDATION**

Adopt the resolution denying the appeal and affirming the determination of the Director of Planning and Building to recognize six legal parcels for which deed history has been provided and for which the applicant may request merger; and return the remainder of the application to the department for consideration for application of Almond Heights, LLC for Merger M05-155 (SUB2004-00362) based on the findings listed in Exhibit A.

**BACKGROUND**

Your Board took tentative action on December 20, 2005 to deny an appeal by Almond Heights, LLC and uphold the determination of the Director of Planning and Building. The appellant requested recognition by the Board that 13 merged parcels could be recognized rather than accept the staff determination that deed history only supported six (6). The tentative action taken by the Board of Supervisors on December 20, 2005, was to deny the appeal and continue the item to March 14, 2006 to allow the Applicant to work with County staff, the City of Paso Robles, neighbors and further determine the number of legal lots that exist on the property and under what configuration. The hearing today is to finalize this action by adoption of a resolution and associated findings.

## **DISCUSSION**

County staff met with the City of Paso Robles Community Development staff. We discussed the situation at length and determined that while merger applications are not discretionary, the City of Paso Robles is still interested in getting referrals when these types of projects are submitted within their area of concern. County staff agreed to send referrals for all projects (other than building permits) to the City until such time as their staff felt they no longer needed to see all applications. The City staff indicated that they would not be weighing in on the disputed matter at hand concerning the legality of the Boston Tract and whether or not underlying lots exist.

The Paso Robles City Council has submitted a letter to Your Board (attached) that indicates they have concerns about development on their city borders; specifically in this case for traffic impacts and drainage and erosion control issues. In the event the project goes forward in whatever manner results (subsequent subdivision, Minor Use permit for site disturbance, etc.) the concerns of the Paso Robles City Council will be incorporated into the review and conditions of approval for that discretionary process.

To date, county staff has not received any additional deed evidence from the applicant to support additional lots other than those previously acknowledged. Several neighbors have indicated that the applicant has met with them to discuss their concerns. The applicant has indicated that they did meet with Paso Robles City Staff but has not submitted anything in writing to County staff.

## **OTHER AGENCY INVOLVEMENT**

County Counsel, City of Paso Robles Staff, and Paso Robles City Council

## **FINANCIAL CONSIDERATIONS**

An appeal fee was collected in accordance with the county's fee schedule.

## **RESULTS / IMPACT**

The tentative action taken by the Board of Supervisors on December 20, 2005 was to deny the appeal to recognize thirteen (13) merged parcels. The hearing on March 14, 2006 is to finalize this action by adoption of a resolution and associated findings.

## **ATTACHMENTS**

Resolution with Findings

Letter from City of Paso Robles dated February 22, 2006





# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

OFFICE OF THE  
MAYOR

February 22, 2006

Board of Supervisors  
San Luis Obispo County  
County Government Center  
San Luis Obispo, CA 93408

RE: Boston Tract  
West of 19th Street, Paso Robles

Honorable Board Members:

Thank you for the opportunity to comment on your public hearing consideration of matters relating to the Boston Tract, located just west of the City's border.

While the City has no comment as to County Council's opinion regarding the legality of lots in the Boston Tract, the City is compelled to express concerns regarding the ultimate development of the lots.

The development of new homes adjacent to the City's border will have impacts upon the City of Paso Robles and the services that the City provides. Those services include streets, storm drains, fire, police, government facilities, parks, recreation and library services.

We understand that our mutual aid agreements are in place to mutually exchange police and fire services on an as-needed basis and we respect and appreciate those agreements. Further, we understand that the County has adopted mitigation fees to finance fire, police, government, park and library facilities needed to accommodate new development.

In order to mitigate traffic impacts we recommend that as a condition of approval of the development of roads to the lots; development impact fees be imposed on future building permits in the amount of the fees in place, in the City for transportation projects, at the time the building permits are issued.

With regard to the future road and driveway construction proposed, please be advised that sites similar to these in the hills west of downtown have been the source of substantial soil erosion resulting in mud and debris deposited onto streets in downtown Paso Robles. The City of Paso Robles has provided substantial clean up effort at considerable cost.

We recommend that as a condition of approval of the development, the site must be monitored closely for erosion control by a qualified professional throughout construction until it is no longer a threat to the City. Contact information for the contractor and qualified monitoring professional should be provided to the City Engineer upon commencement of construction.

Once the application for the development of this project is received, please provide the City with the opportunity to comment and recommend conditions of approval.

Sincerely,

Mayor Frank Mechem

1000 SPRING STREET • PASO ROBLES, CALIFORNIA 93446

**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

14<sup>th</sup> day March , 2006

**PRESENT:** Supervisors

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DENYING THE APPEAL BY ALMOND HEIGHTS, LLC. AND AFFIRMING THE DECISION OF THE PLANNING DIRECTOR TO RECOGNIZE SIX LEGAL PARCELS FOR PURPOSES OF MERGER AND REQUESTING ADDITIONAL DEEDS ESTABLISHING CHAIN OF TITLE TO MAKE DETERMINATIONS ON THE REMAINING LOTS REQUESTED FOR MERGER FOR APPLICATION SUB2004-00362 / M05-155

The following resolution is now offered and read:

WHEREAS, on September 27, 2005, the Planning Director the County of San Luis Obispo duly considered and determined that a property qualified for six legal parcels in consideration of an application for merger and that the remaining property under consideration within the application could not be further processed without additional deeds to verify lot legality; and

WHEREAS, Almond Heights, LLC. has appealed the Planning Director's determination to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 15, 2005, and the matter was continued to December 20, 2005, and to March 14, 2006, and determination and decision was made on March 14, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Director should be affirmed based upon the findings and determinations set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
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2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

3. That the appeal filed by Almond Heights, LLC. is hereby denied and the decision of the Planning Director is affirmed that the application of Almond Heights, LLC. for merger can recognize six legal parcels that have been verified through deed history and that the applicant be directed to submit additional deed history or a request for conditional certificates of compliance for the remaining portions of the property in order to make determinations regarding the underlying lot legality of those portions not addressed by the deeds submitted. Based upon the information submitted to date, the remaining portions of the property do not contain legal parcels that may be merged.

Upon motion of Supervisor \_\_\_\_\_, seconded by  
Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: March 1, 2006

STATE OF CALIFORNIA,       )  
                                          )  
County of San Luis Obispo    )       ss

I, \_\_\_\_\_, County Clerk and ex-officio  
Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of  
California, do hereby certify the foregoing to be a full, true and correct copy of an order  
made by the Board of Supervisors, as the same appears spread upon their minute  
book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this  
\_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk

A handwritten signature in black ink, consisting of a stylized 'C' followed by a large, sweeping flourish that extends downwards and to the right.

**EXHIBIT A**  
**FINDINGS FOR DENIAL OF APPEAL FOR ALMOND HEIGHTS, LLC.**  
**M05-155 / SUB2004-00362**

- A. The Board of Supervisors did not take any action to recognize and approve the document recorded September 28, 1896 known as the Boston Tract and therefore this document by itself did not create individual lots for sale, lease or finance. No minutes of a Board of Supervisors' hearing discussing this tract, nor listing of the road names listed in this document have been found in county records. Laws in place at the time of recordation of this document would have required county approval by the Board of Supervisors by some means in order for the map to be recognized as an instrument that created individual lots.
- B. The mergers requested in application M05-155 rely on the configuration shown on the Boston Tract as creating legal lots in order to qualify for merger. Since these lots were not individually created by recordation of this document, the applicant has not proven the existence of legal lots to merge.
- C. Only lots that were transferred by deed and separated from surround land at a time when deeds could transfer property of the size conveyed can be recognized as legal lots because The Boston Tract was not approved by the Board of Supervisors and its recordation does not create legal lots.
- D. The graphic display outside of the county offices in room 370 of the Courthouse annex is solely a graphic display of the County of San Luis Obispo in the year 1913 created for assessment purposes. The existence of the configurations shown on this map by itself does not create individual lots. The courts have adjudicated this issue and made the determination that the display map did not create lots (*Munari v. County of San Luis Obispo*).
- E. Previous action on an application does not prejudice this case since the previous decision of merger application M03-131 / S020338V was based upon its individual merits.

Handwritten signature or initials, possibly "CJ" or "CJ 4", in the bottom right corner of the page.